

Litigation in the Metaverse: Is IP Fit for Purpose?

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David Sunshine was quoted in *World IP Review* discussing how intellectual property impacts the metaverse. In January, French luxury brand Hermès sued a digital artist, Mason Rothschild for ripping off its Birkin handbag through the issuance of MetaBirkin non-fungible tokens (NFT), after he created fuzzy images of the Hermes Birkin handbag and minted them as NFTs. “Hermès’ survival of the motion suggests, at least to some extent and in the near term, that the current legal landscape can handle IP claims in the metaverse,” said David. After all, in terms of territoriality, he argues, the metaverse is not a whole lot different from earlier “virtual” environments such as online gaming and the internet itself. “While the metaverse is a new frontier, existing IP laws can still be applied to it, albeit imperfectly.”

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